

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAMON SOTO, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 05-1208
PHILADELPHIA HOUSING AUTHORITY, et al.	:	

MEMORANDUM AND ORDER

The Court held a hearing on December 13, 2005 on Plaintiffs' Motion for Summary Judgment in which Plaintiffs seek relief in the form of three specific rulings. The parties have agreed that there are no factual disputes as to the facts presented in Plaintiffs' Motion.

As to Plaintiffs' first request for relief, that Philadelphia Housing Authority ("PHA") refrain from evicting the minor Plaintiffs, PHA has so agreed, at least during the pendency of this case in this Court.

As to Plaintiffs' second request, that PHA screen Ramon Soto to determine if he is eligible to be made head of household for the rental unit currently occupied by the minor children, both counsel agreed at the hearing that PHA generally "screens" an individual before making a decision as to whether that individual is eligible to be a head of household. In this case, PHA asserts that it has discretion to deny eligibility to Ramon Soto, at least in part, because he is not currently a PHA tenant, and making him head of household would constitute giving him a preference over approximately 46,000 other people who are on a PHA waiting list.

The Court has reviewed the regulations cited by the parties and finds that the regulations do not specifically address the factual situation present in this case, where the minor children

who now occupy the apartment are in somewhat of a legal limbo because their mother died and they have no other suitable place to live. At the hearing, counsel concurred with this conclusion.

The Court, therefore, finds that there is no regulation that would prevent or prohibit PHA from screening Ramon Soto, as a preliminary step before any final decisions are made by PHA and/or by this Court. The third request is that PHA make Ramon Soto head of household so that he can occupy the apartment with the minor Plaintiffs and will be denied without prejudice.

Accordingly, for the reasons stated more fully on the record at the hearing, it is hereby ORDERED that the Court will GRANT Plaintiff's Motion for Partial Summary Judgment, in part, to the extent that PHA will be required to screen Ramon Soto, in accordance with its normal screening procedures, within sixty (60) days. Counsel shall thereafter report back to the Court, and, after discussion with Counsel, the Court will determine the need for further proceedings. Otherwise, Plaintiff's Motion for Partial Summary Judgment is DENIED without prejudice.

BY THE COURT:

Date: 12/16/05

s/Michael M. Baylson
Michael M. Baylson, U.S.D.J.

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